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November 27, 2012

Via U.S. Mail and Electronic-mail

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Re: Supplement - Request for Declaratory Ruling filed October 10, 2012

Dear Mr. Crawley, Mr. Wakild and Ms. Thomas:

Petitioners, by and through undersigned counsel, hereby supplement their Request for Declaratory Ruling filed October 10, 2012, with the following information.

In the November 8, 2012 presentation before the EMC regarding our Oct. 10, 2012 Request for Declaratory Ruling both parties made passing reference to the relevant provisions of the 1984 North Carolina Administrative Code. In preparation for our Dec. 3, 2012 hearing on the merits of our request we are submitting those sections as a supplement to our original filing. Enclosed is a copy of the 1984 version of the relevant Administrative Code provisions.

Also attached is correspondence among DENR employees, written before they received an opinion letter from the Attorney General's office in October of 2009, working to determine how the 2L Rules apply to facilities permitted prior to Dec. 30, 1983. See Attachments B-E.

If you have any questions please do not hesitate to contact me.

Sincerely,

J. Patrick Hunter Associate Attorney

Enclosures

cc (w/enclosures; by email only): Sueanna Sumpter, Esq.

Don Laton, Esq.

Kathy Cooper, Esq.

Charles Case, Esq.

Craig Bromby, Esq.